

**LEWIS  
AND  
ROCA  
LLP**  
**LAWYERS**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

# USA COMMERCIAL MORTGAGE COMPANY.

## USA CAPITAL REALTY ADVISORS, LLC.

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC,**

## USA SECURITIES, LLC,

## Debtors.

### Affects:

- All Debtors
  - USA Commercial Mortgage Company
  - USA Capital Realty Advisors, LLC
  - USA Capital Diversified Trust Deed Fund, LLC
  - USA Capital First Trust Deed Fund, LLC
  - USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
THE LAW OFFICES OF RICHARD  
MCKNIGHT, P.C. TO PRODUCE  
ONE OR MORE CORPORATE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

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Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Official Committee of Unsecured Creditors of USA Commercial Mortgage Company (“UCC” or the “Movant”)<sup>1</sup> hereby moves this Court for an order requiring the Law Offices of Richard McKnight, P.C. (“McKnight”) to produce one or more corporate representatives, as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10) business days after the filing of this Motion and no later than April 30, 2007, or at such other mutually agreeable location, date, and time, and continuing from day to day thereafter until completed.

This Motion is further explained in the following Memorandum.

## **Memorandum**

The Movant seeks information concerning legal services performed by McKnight on behalf of USACM, the other debtors in the above-captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities. The Movant seeks this information to assist in the collection of the assets and the investigation of the liabilities of the Debtors.

The requested discovery from McKnight is well within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

<sup>1</sup> Upon the effective date of the Joint Plan of Reorganization (the “Plan”), the UCC will cease to exist and the USACM Liquidating Trust will be substituted in for the UCC as to this Motion.

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1 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
 2 of the debtor, or ... any matter which may affect the administration of the  
 3 debtor's estate, or to the debtor's right to a discharge. In a . . .  
 4 reorganization case under chapter 11 of the Code, . . . the examination may  
 5 also relate to the operation of any business and the desirability of its  
 continuation, the source of any money or property acquired or to be acquired  
 by the debtor for purposes of consummating a plan and the consideration  
 given or offered therefore, and any other matter relevant to the case or to the  
 formulation of a plan.<sup>2</sup>

6 **Conclusion**  
 7

8 Accordingly, the Movant requests that this Court enter the form of order submitted  
 9 with this Motion.

10 Dated: March 7, 2007.  
 11

12 **LEWIS AND ROCA LLP**

13 By /s/ RC (#006593)

14 Susan M. Freeman, AZ 4199 (pro hac vice)  
 15 Rob Charles, NV 6593

16 *Attorneys for Official Unsecured Creditors' Committee  
 17 of USA Commercial Mortgage Company*

18 -and-

19 **DIAMOND MCCARTHY TAYLOR FINLEY & LEE  
 20 LLP**

21 By: /s/ Eric D. Madden (pro hac vice)

22 Allan B. Diamond, TX 05801800 (pro hac vice)  
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26 *Special Litigation Counsel for Official Committee of  
 Unsecured Creditors of USA Commercial Mortgage  
 Company*

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<sup>2</sup> FED. R. BANKR. P. 2004(b).